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Congress of the United States
House of Representatives
Washington, DC

Dear Friend,

As you probably know by now, I voted yesterday – I am composing this letter on Wednesday, November 4th – for the resolution calling for no support for the Goldstone Report. My reasoning to a great extent follows that of Alan Dershowitz in the enclosed piece. The fact is that when nations resort to military force, civilians are inevitably at some risk. It is important that efforts be taken to minimize that risk, but as our American experience has shown in Afghanistan – a war for which I voted because I thought it was a legitimate war of self-defense – we have done far too much in terms of civilian deaths. One negative consequence of the Bush administration's decision to launch a war in Iraq – against which I voted – simultaneously with the war in Afghanistan was that there were too few troops in Afghanistan in the early stages and we relied too much on airpower, which is far less discriminating and kills far more innocent civilians. And this is relevant to my judgment to the Goldstone Report: Israel is hardly the only country in the world that has had to resort to military force and there is an element of unfairness in Israel's being singled out when similar reports have not been issued about, for example, Sri Lanka, various nations in Africa fighting civil wars or combating terrorist groups, or, even, our own country.

I agree with Alan Dershowitz that if we were now to be supportive of the Goldstone Report, it would make it even more difficult to achieve the kind of genuine two-state solution between Israel and the Palestinians that is our only hope for ending bloodshed there. And I particularly agree with Professor Dershowitz that the experience that Israel had of having twice withdrawn from territories that it had occupied, Southern Lebanon and Gaza, and having had those territories then used by forces hostile to Israel's very existence as platforms for attacks, undermines public support in Israel for the sacrifices the country will have to make to achieve peace. It is in this context that I voted for the Goldstone Report Resolution that the House passed.

Sincerely,



BARNEY FRANK

[Goldstone Report Is a Barrier to Peace](#)

By [Alan Dershowitz](#)

Lawyer and author

There are many things wrong with the Goldstone report, which accuses Israel of deliberately targeting civilians in order to punish the people of Gaza. First, its primary conclusions are entirely false as a matter of demonstrable fact. Second, it defames one of the most moral military forces in the world, along with one of the most responsive legal systems and one of the freest nations in the world when it comes to dissent. Third, it destroys the credibility of "international human rights" and proves that this honorable concept has been hijacked for political purposes directed primarily against one nation -- Israel.

But fourth, and most important, it has set back prospects of peace by making it far more difficult for Israel to withdraw from the West Bank. When Israel was considering its withdrawal from Gaza, some critics predicted that the transfer of Israeli troops out of this dangerous area would encourage terrorists to fire rockets at Israeli civilians who live in close proximity to the Gaza Strip. Those who favored the withdrawal argued that if Palestinian terrorists were to fire rockets from the unoccupied Gaza, Israel would have a perfect right to do whatever it took militarily to stop its civilians from being targeted by enemy rockets. They pointed out that every country has the right to self defense under the United Nations Charter and under the rules of international law. (I favored the withdrawal, as did many liberal supporters of Israel and believed that Israel had the military capacity to respond to any rocket attacks.)

As soon as the Israeli army left the Gaza Strip, Hamas decided to launch rocket attacks on Israeli civilian targets. The Hamas website proudly proclaimed, "The Zionist Army is afraid that the Palestinians will increase the range of the new rockets, placing the towns and villages in the [Zionist] entity in danger." These Hamas rocket attacks increased over the years until more than a million Israelis were within range. Thousands were traumatized, dozens were injured and several were killed by the thousands of anti-personnel rockets that targeted children, women and other civilians. As candidate Barack Obama said when he went to visit Sderot, the town most devastated by these unprovoked Hamas war crimes:

"The first job of any nation state is to protect its citizens. And so I can assure you that if...If somebody was sending rockets into my house where my two daughters sleep at night, I'm going to do everything in my power to stop that. And I would expect Israeli to do the same thing."

Israel protested these rocket attacks to the United Nations, but to no avail. They increased in frequency and range.

The citizens of Israel, especially those in range of the attacks, demanded that their army protect them and not wait until a rocket hit a school bus filled with children or a nursery. Since most of the rockets were fired while children were on route to or just beginning their classes, the risk of a cataclysmic tragedy were considerable. Finally after enduring years of rocket attacks, Israel decided to undertake military action to stop them. Just before the hostilities began, Israel offered a carrot and a stick: it reopened a checkpoint to allow humanitarian aid to enter Gaza. It had closed the point of entry after the checkpoint had been targeted by Gazan rockets. (On several prior occasions, Hamas rockets had targeted Israel points of entry through which aid had been provided. It was as if Hams was deliberately trying to manufacture a humanitarian crisis. Israel's prime minister, Ehud Olmert, also issued a stern, final warning to Hamas that unless it stopped the rockets, there would be a full-scale military response.

This is the way Reuters reported it:

"Israel reopened border crossings with the Gaza Strip on Friday, a day after Prime Minister warned militants there to stop firing rockets or they would pay a heavy price. Despite the movement of relief supplies, militants fired about a dozen rockets and mortar shafts from Gaza at Israel on Friday. One accidentally struck a house in Gaza, killing two Palestinian sisters, ages 5 and 13. [T]he deliveries could ease the tensions that might have led to a military action to end the rocket attacks. Palestinian workers at the crossings said fuel had arrive for Gaza's main power plant and about a hundred trucks loaded with grain, humanitarian aid and other good were expected during the day."

Finally in desperation Israel launched an attack designed to stop the rockets. It succeeded in large part though some rocket attacks have continued. Because Hamas fired its rockets from behind human shields, it was inevitable that there would be civilian casualties, despite Israeli efforts to reduce them by making hundreds of thousands of phone calls and leaflet drops warning civilians to stay out of the streets.

Goldstone's one-sided condemnation on Israel will make it far more difficult for Israeli leaders to persuade their citizens to remove their soldiers from the West Bank. Rockets fired from the West Bank would endanger far more Israeli civilians and threaten to close the Ben Gurion Airport. Israel now knows that if it were to try to defend itself against such rockets, it would once again be condemned by the United Nations. It will now be far more difficult for Israelis who oppose a continued presence of Israeli troops on the West Bank to persuade a majority of Israelis that the army can protect them even if they leave the West Bank, without incurring the wrath of the international community.

The effect, if not the intent, of the Goldstone report will be to keep Israeli troops in the West Bank longer. President Obama was right when he said that "the first job of any nation is to protect its citizens." The Goldstone report has made it virtually impossible for the Israeli army to protect its citizens against rocket attacks from territory that is no longer militarily occupied. It encourages Israel's enemies to provoke Israeli self-defense measures, which they know will produce condemnation of the Jewish state. This is a

great tragedy, for Israelis, for Palestinians and for all who favor a two-state solution and an end to the occupation.